

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICHAEL LEON POWE, :
 :
 Petitioner, :
 :
 v. : CIVIL ACTION 04-0491-BH-M
 :
 GRANTT CULLIVER, :
 :
 Respondent. :

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that this habeas petition be **DENIED** as time-barred and that this action be **DISMISSED**.

DONE this 28th day of November, 2005.

s/ W. B. HAND

 SENIOR DISTRICT JUDGE